



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,132	04/03/2001	Mark M. Stephenson	00479.00001	8931
22907 7590 07/24/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER BHATIA, AJAY M	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 07/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/824,132

Applicant(s)

STEPHENSON ET AL.

Examiner

Ajay M. Bhatia

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant has amended the claims to include the feature of "return path" in the specification of applicant invention applicant discusses the inherent feature of firewalls opening a "return path" when a message using the port is sent out. Therefore applicants amendment of return path is a inherent feature of the cited prior art, as applicant specification discloses in paragraph 33. Additionally applicant has amended to changed normally open to a outbound which are features which applicant has also discloses in the specification as inherent features of firewall, therefore this amendment also fails to differentiate over the prior art. Applicant argues the intermediate server, which is disclosed by Alden as two paths, i.e. A->B->C->D and D->C->B->A and this anticipates the disclosed limitation of applicant's claims. Also applicant new claims are directed to features already claimed or features which are inherent to the prior art, therefore they are also rejection based upon the same prior art presented in the non-final rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 55-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alden et al. (U.S. Patent 6,101,543) in view of Erickson et al. (U.S. Patent 6,412,009).

Art Unit: 2145

For claim 55, Alden teaches, a method of communicating between computers, comprising the steps of:

(1) transmitting from a first computer to an intermediate server computer a first message through a firewall that is to Internet traffic, wherein the first message requests establishment of a connection between the first computer and the intermediate server computer over a first return path; (Alden, Col. 6 lines 47-67, tunnel, firewall)

(2) receiving from the intermediate server computer a response including a connection identifier corresponding to the first return path; (Alden, Col. 6 lines 47-67, tunnel)

(4) exchanging encryption keys between the first computer and the intermediate server computer; (Alden, Col. 8 lines 45-67, keys)

(5) repeating steps (1) through (4) between a second computer and the intermediate server computer, thereby creating a second return path between the second computer and the intermediate server computer; (Alden, Col. 6 lines 47-67, tunnel)

(6) transmitting encrypted information from the first computer to the intermediate server computer using further messages; (Alden, Col. 8 lines 45-67, keys)

and (7) transmitting the encrypted information from the intermediate server over the second return path. (Alden, Col. 8 lines 45-67, keys)

Alden fail to teach, HTTP POST, (3) periodically transmitting from the intermediate server computer to the first computer a "keep alive" message if no further messages are received from the first computer within a period of time;

Art Unit: 2145

Erickson teaches, outbound, HTTP POST (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http Post), (3) periodically transmitting from the intermediate server computer to the first computer a "keep alive" message over the first return path, if no further messages are sent to the first computer within a period of time; (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

Alden and Erickson are both in the field of tunnels

Alden and Erickson are compatible because Alden allows for a connection thru firewalls (Alden, Col. 6 lines 46-56)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Alden with Erickson in order to overcome prior issue with use of web client access to network within firewall allowing a connection. (Erickson Col. 2 lines 26-64 and Col. 4 lines 10-22)

For claim 56, Alden- Erickson teaches, the method of claim 55, further comprising the steps of, in the intermediate server computer, decrypting encrypted information received from the first computer using encryption keys shared between the first computer and the intermediate computer, and then re-encrypting the received information using encryption keys shared between the intermediate computer and the second computer. (Alden, Col. 8 lines 45-67. keys) The same motivation that was utilized in the rejection of claim 55, applies equally as well to claim 56.

For claim 57, Alden- Erickson teaches, a method of communicating between a first computer protected by a first firewall and a second computer protected by a different second firewall, comprising the steps of:

(1) at a third computer situated between the first firewall and the different second firewall, receiving a first HTTP message from the first computer through a port in the first firewall that is configured to be open to outgoing HTTP traffic and open to incoming HTTP traffic that is responsive to and linked to outgoing HTTP traffic; (Alden, Col. 6 lines 46-56, tunnel) and (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

(2) from the third computer, sending a first response message to the first computer through the port in the first firewall, thereby establishing a first receive channel through the first firewall, wherein the first response message is linked to the first HTTP message; (Alden, Col. 6 lines 46-56, tunnel) (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

(3) at the third computer, receiving a second HTTP message from the second computer through a port in the different second firewall that is configured to be open to outgoing HTTP traffic and open to incoming HTTP traffic that is responsive to and linked to outgoing HTTP traffic; (Alden, Col. 6 lines 46-56, tunnel) (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

(4) from the third computer, sending a second response message to the second computer through the port in the different second firewall, thereby establishing a second receive channel through the second firewall, wherein the second response message is linked to the second HTTP

Art Unit: 2145

message; (Alden, Col. 6 lines 46-56, tunnel) (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

(5) at the third computer, receiving a third encrypted HTTP message from the first computer through the port in the first firewall; (Alden, Col. 6 lines 46-56, tunnel) (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

determining that the third encrypted HTTP message is intended to be delivered to the second computer, and transmitting to the second computer the third encrypted HTTP message, wherein the third encrypted HTTP message is transmitted over the second receive channel to the second computer; (Alden, Col. 6 lines 46-56, tunnel) (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

and (6) from the third computer, periodically transmitting "keep alive" messages to the first and second computers to avoid a time-out condition. (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http, Keep-Alive)

The same motivation that was utilized in the rejection of claim 55, applies equally as well to claim 57.

For claim 58, Alden- Erickson teaches, the method of claim 57, wherein step (5) is performed at the third computer by transmitting the third encrypted HTTP message to the second computer without decrypting contents of the third encrypted HTTP message. (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http) The same motivation that was utilized in the rejection of claim 55, applies equally as well to claim 58.

Art Unit: 2145

For claim 59, Alden- Erickson teaches, the method of claim 55, wherein at least one of the HTTP POST messages transmitted during step (6) comprises an identifier of said second computer encrypted with a first encryption key associated with the intermediate server, and wherein said encrypted information is encrypted with a second different encryption key associated with the second computer. (Erickson, Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http Post) and (Alden, Col. 8 lines 45-67, keys) The same motivation that was utilized in the rejection of claim 55, applies equally as well to claim 59.

For claim 60, Alden teaches, the method of claim 57, wherein the third encrypted HTTP message comprises:

an encrypted identifier of the second computer, the identifier encrypted with a first encryption key associated with the third computer, and encrypted content for delivery to the second computer, the content encrypted with a different second encryption key associated with the second computer. (Erickson , Col. 5 lines 43-42, Col. 8 lines 20-40, figure 5, Http) and (Alden Col. 8 lines 45-67, keys) The same motivation that was utilized in the rejection of claim 55, applies equally as well to claim 60.

Claims 61-81 list all the same elements of claims 55-60. Therefore, the supporting rationale of the rejection to claims 55-60 applies equally as well to claims 61-81.

Conclusion

Art Unit: 2145

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


AB


Jason Cardone
Supervisor Patent Examiner
Art Unit 2145